

informed them of the Feb. 8 meeting, and described some of the concerns voiced at that meeting. The letter noted the tribal opponents said they did not believe the BIA complied with the tribal consultation requirements of Section 20, complained they lacked sufficient information to adequately respond to the proposed acquisition, and “specifically requested that they be granted additional time to submit reports detailing the impact of the proposed acquisition on nearby tribes.” In the letter, Duffy offered his assurance that the opportunity extended to the opposing tribes would “not delay consideration of other aspects” of the application by IGMS. He concluded: “Should areas of concerns with the application be identified, you will be so notified.”<sup>170</sup>

By letter dated March 30, 1995, and signed by Chairpersons Ackley, Gurnoe and gaiashkibos, the applicant tribes formally protested BIA’s willingness to accept further comments from the opposing tribes. On April 14, Duffy wrote to Gurnoe explaining that his decision to extend the comment period would allow DOI “to ensure that all relevant view points ha[ve] been heard.” On May 8, Assistant Secretary Deer also responded to the March 30 letter from the three applicant leaders. Deer explained that IGRA “gives the Secretary discretion to collect information relevant to his review of applications to take land into trust for gaming purposes” and stated “the Secretary acted well within his discretion when he agreed to accept additional information about the application at issue here.”

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<sup>170</sup>Skibine later asserted that this statement promised such notification only with respect to areas other than the “detriment” analysis. Skibine also asserted that the statement referred only to new concerns about information reviewed by the area office. Chairman Ackley of the Mole Lake tribe and his assistant, Derickson, discussed the extension with Skibine at a March 8 meeting at DOI. Skibine recalls the two angrily denouncing it and storming out of his office. Havenick recalled that Derickson called him that day – March 8 – with news of the additional comment period.